

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 25, 2007	Time: 9:00 A.M	Agenda Item No.: 3
Project Description: Consider a fee waiver for the Mitigation Monitoring Fee deposit for the Lugo Minor Subdivision Tentative Map application (PLN050669).		
Project Location: 58707 Jolon Road, King City		APN: 421-101-029-000
Planning File Number: PLN070341		Name: Ruben Lugo, Property Owner Danielle Brown, Agent
Plan Area: Central Salinas Valley Area Plan		Flagged and staked: No
Zoning Designation: : “RC/40” [Resource Conservation, one unit per 40 acres]		
CEQA Action: Categorically Exempt per Section 15378 (a); The requested fee waiver does not qualify as a “project” under CEQA Section 15378 (a) and therefore is not subject to environmental review.		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission approve the waiver of the Mitigation Monitoring Fee deposit based on the discussion below.

PROJECT OVERVIEW:

On May 10, 2007, the Minor Subdivision Committee approved the Lugo Minor Subdivision Tentative Parcel Map, Planning File No. PLN050669 and adopted the Mitigated Negative Declaration with the Mitigation Monitoring and Reporting Program per Minor Subdivision Resolution No. 07007 (**Exhibit D**). The application consisted of subdividing an 89 acre parcel into 2 parcels of 49 acres and 40 acres and a proposed 30-foot road access easement. The Lugo Minor Subdivision was approved subject to 28 conditions of approval and 7 mitigation measures. All of the 7 mitigation measures (Mitigation No. 6-1 thru 6-7; **Exhibit D**) were based on the geology/soils of the property. These measures require no monitoring, now or in the future, by County or other involved agency staff, but rather only involve the placement of notes on the parcel map or a separate sheet and be recorded concurrently with the final map. The Mitigation Measures will be implemented once a building permit is issued for any future dwelling units.

On June 29, 2007, the applicant submitted a letter requesting a fee waiver for the Mitigation Monitoring Fee deposit of \$5,419.86 for Planning File No. PLN050669 (**Exhibit A**). The amount of the deposit is based on the current Monterey County Land Use Fees schedule (**Exhibit C**) for 1 to 10 Mitigation Monitoring Measures. The breakdown of the fees for 1 to 10 Mitigation Monitoring is as follows:

	Planning	Document Management	Public Works	Water Resources Agency	Environmental Health	County Counsel	General Plan Update	Total
Mitigation Monitoring- 1 to 10 Measures	\$2,884.00	\$28.84	\$500.00	\$824.00	\$555.00	\$471.00	\$157.02	\$5,419.86

The request for the fee waiver is subject to the consideration by the Planning Commission per the Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000 (**Exhibit B**).

According to the Fee Waiver Policy, all fees shall be paid at the time of the filing of the application. In this circumstance, the filing of the application (File No. PLN050669) has occurred and the policy does not address procedures of a fee waiver for Mitigation Monitoring. Staff believes that the County should not collect the deposit now as it will only add unnecessary administrative time if this waiver is approved by the Planning Commission.

All agencies and departments that would have received a share of the Mitigation Monitoring Deposit (**Exhibit C**) have recommended that the Fee Waiver Request be granted. Staff believes that the waiver of the Mitigation Monitoring Fee deposit in the amount of \$5,419.86 is fair since no monitoring actions are to be performed by County or other involved agencies.

OTHER AGENCY INVOLVEMENT:

County Counsel
Environmental Health Division
Public Works Department
Water Resources Agency

The above agencies and departments have reviewed this Fee Waiver Request.

The fee waiver request was not referred to a Land Use Advisory Committee (LUAC) for review because a LUAC does not exist for this area of the County.

Note: The decision on this project is not appealable.

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July 12, 2007

cc: Planning Commission Members (10); County Counsel; Public Works Department; Environmental Health Division; Water Resources Agency; Mike Novo, Interim Director of Planning; Laura Lawrence, Acting Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen; Ruben Lugo, Applicant; Danielle Brown, Agent; File PLN070341.

Attachments: Exhibit A Letter requesting Fee Waiver
Exhibit B Fee Waiver Policy
Exhibit C Monterey County Land Use Fees (Page 1 of 3)
Exhibit D Resolution of Approval of the Lugo Minor Subdivision (MS Resolution No. 07007)

This report was reviewed by Laura Lawrence, Acting Planning and Building Service Manager.